

REMARKS

In response to the Official Action dated 9/8/2004, the above-identified application has been amended in an attempt to place the claims in condition for allowance. Review and reconsideration are requested in view of the above amendments and following remarks.

Claim 1 was objected to as having an informality and correction was required. Applicant has amended the claim and kindly requests withdrawal of the rejection.

Claims 1, 4, 5 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,758,806 to Kamrava et al. The assertion is that the '806 patent discloses the claimed subject matter.

Applicant kindly traverses this ground. The '806 is not a proper 102 reference. Applicant's application was filed on 12/24/2001. The '806 patent was filed on 1/11/2002 and claims a priority date from provisional application 60/262,141 filed 1/12/2001. Admittedly, on its face the priority would seem to predate applicant's filing. However, in reviewing the '141 provisional application (copy attached) it is quite clear that disclosure relating to FIG. 4 in the '806 patent and text which the examiner relies on for this rejection is not part of the '141 provisional application. Thus, the instant application and relevant claimed subject matter predates the effective filing date of the '806 patent. Accordingly, withdrawal of the rejection is respectfully requested.

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '806 Patent in view of U.S. Patent No. 5,873,814 to Adair. Adair is cited for a touch screen monitor

with computer, microphone and voice recognition.

Lacking the '806 patent, the rejection cannot stand as no proper obviousness combination can be made. Withdrawal of the rejection is kindly requested.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the '806 Patent in view of U.S. Patent No. 5,722,423 to Lind et al. Lind et al. is cited for use of a cytological brush within a channel of an endoscope.

Again, lacking the '806 patent, the rejection cannot stand as no proper obviousness combination can be made. Withdrawal of the rejection is kindly requested.

Claims 2, 3, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the '806 Patent in view of U.S. Patent App. No. 2003/0083552 to Remijan et al. is cited for a microendoscope having an introducer needle with a removable stylet that seats against the neck of the needle that can be gripped.


Once again, lacking the '806 patent, the rejection cannot stand as no proper obviousness combination can be made. Withdrawal of the rejection is kindly requested.

None of the proper references alone or in combination disclose, teach or suggest the claimed combination. Withdrawal of the rejection is kindly requested.

For the reasons stated above, none of the cited references disclose, teach or suggest the claimed combination. The claimed invention is submitted to be patentably distinct over the art.

Accordingly, withdrawal of the rejections is respectfully requested and allowance of claims 1-12 is requested at as early a date as possible. This is intended to be complete response to the Official Action dated 9/8/2004. A petition for extension of time for two month extension with fee difference is submitted herewith.

Respectfully submitted,

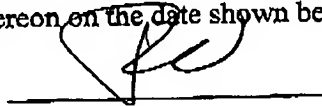


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